

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	13-00061-01-CR-W-DW
JAMES T. SMITH,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On July 25, 2013, I order Defendant to undergo a competency evaluation (Doc. No. 19). Defendant was examined by David Szyhowski, Psy.D., who prepared a report dated October 21, 2013.

A competency hearing was held on November 7, 2013. The government was represented by Assistant United States Attorney Christina Tabor. Defendant in person with appointed attorney Bill Raymond. The parties stipulated to the contents and findings of Dr. Szyhowski's report (Tr. at 2). Defense counsel asked to leave the record open so he could have an additional competency evaluation conducted by a local doctor (Tr. at 2-4). This request was granted (Doc. Nos. 34, 36). On March 28, 2014, counsel advised my chambers that he did not have any additional evidence to present.

Based upon the uncontroverted evidence, I accordingly find that Defendant is competent to proceed. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding Defendant competent.

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
April 8, 2014